

## **REMARKS**

The following remarks, in conjunction with the above presented amendments, are believed to be fully responsive to the Office Action mailed on March 10, 2006 (the "Office Action") in this application. Favorable reconsideration is requested.

### **Pending Claims**

In the Office Action, the Examiner rejected claims 1-26 and objected to claims 14 and 16. The Applicant believes, however, that only claims 23-26 are currently pending in the present application inasmuch as claims 1-22 were cancelled without prejudice by Preliminary Amendment on September 24, 2003. Applicant will therefore only directly respond to the Examiner's statements regarding claims 23-26. The Applicant has also added new claim 27, and respectfully requests confirmation from the Examiner that claims 23-27 are now the currently pending claims in the present application.

### **Section 102 and 103 Rejections**

In the Office Action, claims 23-25 stand rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 4,596,575 to Rosenberg, et al. ("Rosenberg") or U.S. Patent No. 3,888,239 to Rubenstein ("Rubinstein"). Claim 26 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg or Rubinstein in view of U.S. Patent no. 4,684,365, to Reinicke ("Reinicke"). Applicant respectfully traverses these rejections for at least the reasons stated below, and requests reconsideration and allowance of all pending claims 23-26.

Claim 23 recites a method for automatically refilling a syringe for an angiographic injector arrangement, the method comprising: "sensing a volume of fluid in a chamber of said

syringe; comparing said volume in said chamber with a preset amount of fluid necessary for a subsequent injection; retracting a plunger within said chamber of said syringe to a predetermined limit if the preset amount of fluid necessary for a subsequent injection is less than the volume of fluid sensed in said chamber” (emphasis added). Applicant does not believe that Rubinstein teaches or suggests each of these claim elements. As described in Rubinstein, “[m]eans are included for providing an indication of both total consumption of the fluids as well as the size of each dose that is injected” (emphasis added). Rubinstein at 3:2-4. As is described later in Rubenstein, “[r]efilling of the reservoirs 28 and 30 after the withdrawal of any fluid therefrom is automatically accomplished by having the pumps 32 and 34 respectively connected to be automatically operated whenever the reservoir is not full” (emphasis added). *Id.* at 6:5-9. Applicant therefore contends that Rubinstein fails to teach or suggest comparing a volume in a chamber with a preset amount of fluid necessary for a subsequent injection and retracting a plunger within said chamber to a predetermined limit if the preset amount of fluid necessary for the subsequent injection is less than the volume of fluid sensed in said chamber.

Applicant further does not believe that Rosenberg teaches or suggests each of the elements of claim 23. Rosenberg discloses a memory 24 that continuously stores a value representing a quantity of insulin delivered by the pumping unit 3. Rosenberg at 2:67-3:22. “This stored quantity is used for, among other purposes, controlling the refilling operation in which unit 4 is automatically refilled from the refill unit 8 with the quantity of insulin previously delivered since the last refill operation, thereby minimizing the possibility of over-filling or under-filling unit 4” (emphasis added). *Id.* at 3:2-7. Applicant therefore contends that Rosenberg fails to teach or suggest comparing a volume in a chamber with a preset amount of fluid necessary for a subsequent injection and retracting a plunger within said chamber to a

predetermined limit if the preset amount of fluid necessary for the subsequent injection is less than the volume of fluid sensed in said chamber.

Finally, Applicant does not believe that Reinicke, either alone or in any combination, cures the deficiencies of Rosenberg and Rubinstein. The Applicant does not believe that Reinicke teaches or suggests a method that includes comparing said volume in said chamber with a preset amount of fluid necessary for a subsequent injection; retracting a plunger within said chamber of said syringe to a predetermined limit if the preset amount of fluid necessary for a subsequent injection is less than the volume of fluid sensed in said chamber. For at least the reasons presented above, Applicant respectfully requests reconsideration and allowance of claim 23.

Claims 24-26 each depend directly on claim 23. For at least the reasons adduced above, Applicant does not believe that Rosenberg, Rubinstein, or Reinicke teach or suggest (either alone or in any combination) each of the elements of these claims. Applicant therefore respectfully requests reconsideration and allowance of claims 24-26.

### **NEW CLAIM**

Applicant has added new claim 27, which does not introduce any new subject matter and is fully supported by the original disclosure. Applicant believes that claim 27 is patentable over the art of record, and respectfully requests consideration and allowance of this claim.

### **CONCLUSION**

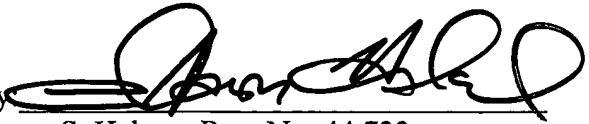
The Applicant believes that all pending claims are in a state of allowance, and respectfully requests early passage to issue.

No fee is believed to be necessary in connection with the filing of this response.

However, if any additional fee is required, the Commissioner is hereby authorized to charge such fee(s) to Deposit Account No. 50-0540.

Respectfully submitted,

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By 

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